

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re

Chapter 7

LESSNO LLC,

Case No. 09-44979-ess

Debtor.

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**ORDER DIRECTING PAYMENT OF ALLOWED ADMINISTRATIVE EXPENSE
AND SCHEDULING CONFERENCE**

WHEREAS, on June 12, 2009, Trans Am Travel Inc., Smart Travel Network, Inc., and Mario I. Sotirov (the “Petitioning Creditors”) commenced an involuntary Chapter 7 bankruptcy case against Lessno LLC by filing a petition for relief under Chapter 7 of the Bankruptcy Code; and

WHEREAS, on July 31, 2009, the Debtor filed an answer objecting to the involuntary petition and seeking dismissal of this case; and

WHEREAS, on November 7, 2011, after trial, this Court overruled the answer, allowed the involuntary petition, and directed that an order for relief be entered; and

WHEREAS, on November 8, 2011, Robert L. Geltzer was appointed as interim Trustee of the Debtor, and thereafter qualified as permanent Trustee; and

WHEREAS, on July 25, 2012, Tally M. Wiener, Esq., former counsel for the Petitioning Creditors, filed a motion to allow her administrative expense claim in the amount of \$46,451.00, and opposition to the dismissal of the Chapter 7 case pending adjudication of the motion; and

WHEREAS, on December 14, 2012, this Court entered an order allowing Ms. Wiener an administrative expense in the amount of \$46,451.00 (the “Allowed Administrative Expense”); and

WHEREAS, on December 14, 2012, this Court entered an order dismissing the Chapter 7 case and marking the motion to compel and the motion to strike off the calendar (the “Dismissal Order”); and

WHEREAS, on December 27, 2012, Ms. Wiener filed a notice of appeal from the Dismissal Order to the U.S. District Court for the Eastern District of New York; and

WHEREAS, the appeal sought, among other things, review of this Court’s dismissal of the Chapter 7 case prior to the Debtor or Neveq paying the Allowed Administrative Expense; and

WHEREAS, on July 3, 2013, the U.S. District Court for the Eastern District of New York entered an order vacating the Dismissal Order, remanding the matter for clarification, and directing this Court to “[clarify] the precise terms of payment to Miss Wiener of her allowed administrative expense together with interest and attorneys fees associated therewith, and for consideration of the other issues raised by Miss Wiener in her appeal.”

NOW THEREFORE, it is hereby

ORDERED, that Ms. Wiener may serve on the Debtor and other parties in interest and file with the Court a verified statement of her allowed administrative expense in the amount of \$46,451.00, together with the interest and attorneys fees associated therewith; and it is further

ORDERED, that the Debtor is directed to pay to Ms. Wiener her allowed administrative expense, in the amount of \$46,451.00, together with interest and attorneys fees associated therewith, within seven days of the filing of the verified statement; and it is further

ORDERED, that this Court will hold a conference on August 15, 2013, at 9:30 a.m., before the Honorable Elizabeth S. Stong, United States Bankruptcy Court for the Eastern District of New York, 271 Cadman Plaza East, Courtroom 3585, Brooklyn, New York 11201, to consider any other and further relief that may be warranted by the other issues raised by Ms. Wiener in her appeal.

Dated: Brooklyn, New York
July 19, 2013




Elizabeth S. Stong
United States Bankruptcy Judge

TO:

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